

REMARKS

In response to the Final Office Action dated February 6, 2003, Applicants hereby submit a Request for Continued Examination along with the appropriate fee. Applicants also respond as follows.

As a result of the present amendment, claims 1, 3-9, 11-14, and 18-21 remain pending in the application. Independent claim 1 has been amended in light of the Examiner's Remarks. Applicant's submit that the present amendment clarifies the invention in such a way that it clearly avoids the prior art the Examiner has cited.

The Examiner notes that Johnson discloses that residential customers have fairly predictable usage profiles and patterns. Applicant's agree. Even so, this is quite different from what is recited in claim 1 as amended. It is one thing to assume that energy usage is relatively consistent; it is quite another to monitor and predict that energy usage. While Johnson pre-supposes consistent energy usage, the present invention advantageously tracks the actual variations in usage and makes cost-saving decisions accordingly.

Similarly, Takriti discloses a risk management system that involves forecasting energy needs in the context of power-trading. However, no combination of these references include all of the elements of claim 1 as amended, including the elements of:

forecasting a forecast load based on the received metering data from the utility meter, wherein said forecasting includes the steps of creating a current load shape from said metering data, and comparing the current load shape to a load shape from a prior time period based on historical data; and determining an optimal consumption decision based on the received pricing data and the forecast load, wherein the consumption decision selects one of the plurality of sources of power to thereby reduce utility costs, and wherein said optimal consumption decision

is calculated using an optimal cost curve derived from an optimization algorithm applied to the pricing data and the forecast load.

Accordingly, Applicants respectfully request that the Section 103 rejections be withdrawn with respect to the claims as amended.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all of the pending claims 1, 3-9, 11-14, and 18-21 properly set forth that which Applicants regard as their invention and are allowable over the cited prior art.

Accordingly, Applicants respectfully request allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6325 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

This statement does NOT authorize charge of the issue fee.

Respectfully submitted,

Dated: 2/17/04

By: 
Daniel R. Pote, Reg. No. 43,011

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6325
Fax: 602-382-6070